

ORIGINAL
FBI
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
MIDDLE DISTRICT OF GEORGIA

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA	:	
	:	
Plaintiff,	:	
	:	
V.	:	CIVIL ACTION
	:	NO. 5:03-CV-0236-2
	:	
\$3,107.90 IN UNITED STATES	:	Judge Duross Fitzpatrick
CURRENCY, MORE OR LESS, ASSET	:	
I.D. NO. 03-FBI-001190 et al.	:	
	:	
Defendants.	:	

**CLAIMANT'S SUPPLEMENTAL MEMORANDUM OF LAW IN
SUPPORT OF HIS MOTION TO STAY PROCEEDINGS**

Pursuant to 18 U.S.C. § 981(g)(2) and 18 U.S.C. § 2254(h), Claimant, Malachi York, hereby files this Memorandum of Law in Support of his Motion to Stay Proceedings. Claimant hereby expressly incorporates all of the facts and legal argument as stated in his original motion to stay proceedings dated 8/8/03.¹ In addition, Claimant shows this honorable court as follows:

¹ The basis for the Claimant's request to stay the proceedings was due to his psychiatric testing for competency, the fact that he was being evaluated in the Southern District of New York and that his criminal case was interconnected with his civil matter.

(26)

1.

On 8/13/03, this Honorable Court granted Claimant's request to stay the civil forfeiture proceedings. The stay is set to expire on 9/17/03.

2.

On 9/3/03, Judge C. Ashley Royal, the District Court judge handling the criminal matter pending against the Claimant, granted the government an extension to complete any and all psychiatric testing. The order from Judge Royal extended the time to complete the evaluation until 9/28/03.² Sometime after 9/28/03, the Claimant will be transported back to the State of Georgia (presumably to be held in the Atlanta Federal Penitentiary).

3.

Therefore, counsel hereby requests this Honorable Court to extend the time for Claimant to file his claim until 10/30/03 and then file his answer within 10 days thereof.

WHEREFORE, for the reasons set forth above, claimant respectfully asks this Honorable Court to grant his Motion to Stay these Proceedings until at least 10/30/03.³

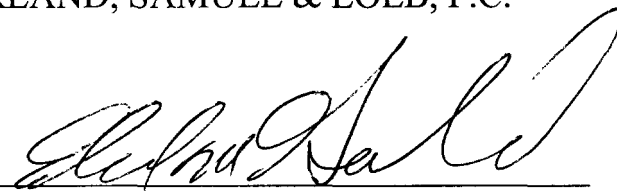
² Copy of order is attached to this brief.

³ Assuming the claimant has returned to Atlanta by then as well as being deemed competent.

This the 11th day of September, 2003.

Respectfully submitted,

GARLAND, SAMUEL & LOEB, P.C.

By: 
EDWARD T. M. GARLAND
Georgia Bar No. 284900

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Atlanta, GA 30305
404-262-2225

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\$3,107.90 IN UNITED STATES	:	
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I.D. NO. 03-FBI-001190 et al.	:	
	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of September, 2003, I have served a true copy of the within and foregoing **CLAIMANT'S MEMORANDUM OF LAW IN SUPPORT OF HIS MOTION TO STAY PROCEEDINGS** upon: Verda M. Colvin, Assistant United States Attorney, P.O. Box 1702, Macon, GA 31202-1702, by mailing same in the United States Mail with sufficient postage affixed thereto.

GARLAND, SAMUEL & LOEB, P.C.



EDWARD T. M. GARLAND
Georgia Bar No. 284900

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

Filed 3:59 PM

SEP 3 2003
DEPUTY CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DWIGHT D. YORK, A/K/A
MALAKI Z. YORK, ISA MUHAMMAD
and ISA ALIHAD MAHDI,

Defendant.

Criminal Action
No. 5:02-CR-27

ORDER REGARDING TRIAL DATE

Upon written request by Defendant, and without objection by the Government, it is hereby ordered that trial in the above-captioned case shall be scheduled to begin on January 5, 2004.

It is further ordered that the Federal Bureau of Prisons shall have an additional 15 days to complete its mental evaluation of the Defendant, to conclude on September 28, 2003.

SO ORDERED, this the 3rd day of September, 2003.

C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

CW/jec